

CONFRONTING FAMILY VIOLENCE

A Guide to Options and Resources

ABUSE IS NEVER JUSTIFIED!

- You do not deserve to be abused.
- You need not feel ashamed or guilty.
- You did not cause or provoke the violence because of selfishness, nagging, neglect or any other behavior.
- You cannot end the violence by trying to be “better” or by trying harder to please your abuser.
- You have a right to a life free from abuse.

A MESSAGE FROM COUNTY EXECUTIVE ROBERT J. GAFFNEY

Domestic violence is a serious crime. In Suffolk County, we have witnessed its devastating consequences. Every day, we in government and the private sector are working to protect and educate our citizens as prevent domestic violence.

Since the Family Protection and Domestic Violence Intervention Act of 1994 contains changes in the law, we have updated and revised this guide. New York State’s law is designed to protect victims and promote a more effective police response.

The information in this guide is provided to victims of family violence to assist them to understand their rights, obtain justice and seek resources. This is one of the many efforts being undertaken in Suffolk to reduce the incidence of domestic violence. Domestic violence must be stopped!

Please join me to help end domestic violence in Suffolk County.

INTRODUCTION

This guide describes options and resources available for you if you are physically or emotionally abused and want to help yourself find a life free from violence.

It is a crime to commit violence against another person. Being married or living together as a family does not make violence behavior more acceptable or less criminal.

It is against the law to:

- Threatened physical violence;
- Harass, hit, slap, push, punch;
- Engage in stalking activity;
- Endanger recklessly;
- Assault;

- Make threatening phone calls;
- Commit sexual assault or rape*.

Complaints of these offenses can be taken to Family Court where the processing is Civil (non-criminal) and the goal is to provide relief in an attempt to end the violence.

and/or

The complaint can be taken to Local Criminal Court where the proceeding is criminal, and the goal is to punish the abuser.

When deciding to take your abuser to court, you also need to think about other actions you may want to take to help end the violence.

- Would you want counseling before, instead of, or in addition to going to court?
- Would ending the relationship be the only way to stop the violence?
- Would you consider a legal separation or divorce?
- Would moving to a relative's or friend's home be a possibility?
- Would you need a shelter?

In the back of this guide you will find names and phone numbers of agencies that can help you think through the problem, so that you can choose what is best for you.

*Allegations of sexual assault or rape are not covered in the Family Offense Proceedings and, therefore, can only be pursued through Criminal Court.

WHAT TO DO IMMEDIATELY AFTER A DOMESTIC VIOLENCE INCIDENT

- Call the Police as soon as possible.
- Try to remain calm. Protect yourself.
- Get medical attention for your injuries. Tell the doctor how it happened.
- Have pictures taken of your injuries, date them and save the evidence. Keep copies of all medical records.
- Find a safe shelter if it is not safe for you or your children to stay at home. If you do not have relatives or friends to stay with, call one of the victim agencies listed in the back of this guide for help.
- Go to court. You may bring an advocate to either Family or Criminal Court to help you file for an Order of Protection. If you already have an Order of Protection, file for a violation of the order. Bring all police and medical records wherever possible for evidence of the abuse.

YOUR ARE NOT ALONE!!!

In 1996, 28,063 domestic violence incidents were reported to the Suffolk County Police Department.

WHAT THE POLICE CAN DO

The Suffolk County Police Department covers the towns of Huntington, Babylon, Islip, Smithtown and Brookhaven. The towns of Southampton, East Hampton, Riverhead, Southold, Shelter Island and most incorporated villages have their own police departments.

In cases of family violence, all police departments are directed by New York State law to implement the following policy:

- When a police officer has reasonable cause to believe that an individual has committed a felony, the abuser shall be arrested even if the victim requests otherwise. The police officer cannot ask the victim if he/she wants the abuser to be arrested.
- When a police officer has reasonable cause to believe that a misdemeanor has been committed, the abuser shall be arrested, unless the victim requests otherwise. The police officer cannot ask the victim if she/he wants the abuser to be arrested.
- When a police officer has reasonable cause to believe that a violation has been committed, the abuser shall be arrested at the request of the victim (civilian arrest.)
- When a police officer has reasonable cause to believe that an Order of Protection has been violated, the offender shall be arrested.

A police officer does not have to be present when the crime takes place to be able to make an arrest. Reasonable cause may be based on such factors as:

- Physical injury;
- Property damage;
- Signs of serious disruption;
- Statements by the victim or other witnesses.

A police officer **may not** use any of the following reasons for failing to make an arrest:

- abuser lives with the victim;
- financial consequences;
- abuser has left the premises, or is willing to leave;
- abuser and victim are or were married;
- victim has made the complaints before;
- abuser promises not to hurt the victim again;
- alleged injury is minor or not visible;
- victim may not be willing to participate in later proceedings;
- prosecution or conviction may not occur even though reasonable cause exists.

In most cases following arrest, the abuser will be booked at the precinct. The abuser may be held until he/she can be brought before a judge.

The police officer must give you a copy of the police report with the CC (central complaint) number. The police officer will give you a copy at the time you report the incident.

READ ALL DOCUMENTS FOR ACCURACY BEFORE YOU SIGN.

When a Domestic Incident Report involves violence or Orders of Protection violations, a copy of the incident report will be sent to the Victims Information bureau of Suffolk and/or the Women's Coalition, so that they can contact you to offer assistance. Elder abuse reports are sent to the Department of Social Services (DSS) and the Victims Information Bureau of Suffolk (VIBS)

The Police officer must give you information on your right to bring a case to Family Court and/or Criminal Court, and also give you information on agencies that can help you. Feel free to contact these agencies.

COURT OPTIONS

Relationship to Offender	You may go to:	
	Family Court	Criminal Court
Legally married	Yes	Yes
Divorced	Yes	Yes
Related by blood or marriage	Yes	Yes
Never legally married	Yes	Yes
...child in common		
Never legally married	No	Yes
...no children		

You can request an Order of Protection in Family Court, Criminal Court or both.

WHAT THE FAMILY COURT CAN DO

Locations;

Cohalan Court Complex
400 Carleton Avenue
Central Islip, NY 11722

Or

Supreme Court Annex
215 Griffing Avenue
Riverhead, NY 11901

The main purpose of Family Court is to attempt to stop the violence and obtain protection for the abused person.

A Family Court judge can:

- Order your abuser to stop threatening or hitting you, and order an Order of Protection;
- Order your abuser to stay away from you and the children, order the abuser out of your house;
- Give you custody of your children and determine visiting rights, and order child support;
- Order reasonable counsel fees and payment for expenses involved in getting and enforcing the Order of Protection;
- Order medical expenses required as a result of the abuse.

You can start a proceeding in Family Court by filing a petition for an Order of Protection in the Family Court Intake Unit of the Probation Department. **A prior arrest is not necessary.**

Custody or visitation issues may require a separate petition to be filed at intake. Another petition is required for an Order of Support which is best filed through the Child Support Enforcement Bureau (CSEB) if there are any minor children.

- Family Court and Probation are open Monday through Friday, 8:30 a.m. to 5:00 p.m.

Family Court Intake Units are located at:

Probation Department
Cohalan Court Complex
400 Carleton Avenue
Central Islip, NY 11722
631-853-5337

Probation Department
Arthur M. Cromarty Court Complex
300 County Center Drive
Riverhead, NY 11901
631-852-1939

Although you may file a petition at any Intake Office, it is requested that you go to the office that serves the community where you live.

An advocate can go with you for moral support and to explain the legal proceedings. The advocate may also attend the court hearings. It is not required that you have a lawyer, but it may help you. Look for a list of agencies providing advocacy or legal assistance in the back of this guide.

FAMILY COURT ORDERS OF PROTECTION

An Order of Protection is a court order issued by a judge, ordering your abuser (respondent) to refrain from acts or threats of violence directed at you.

If you want an Order of Protection, you must file a petition. A probation officer will interview you. You will be asked for the date, time, place and description of the incident; and about other recent incidents, to establish a pattern of behavior. It will be helpful to have this information organized before your interview.

Go to the Probation Intake Office early in the day. If possible, don't bring any children; the process takes time.

Make sure your petition is complete. Include information about threats to you, the children and other family members. Mention any drug, alcohol or weapon involvement. Be sure to request in the petition the relief you seek: protection from abuse – exclusion from the home – temporary custody and child support – counseling for the abuser – legal and medical expenses.

In most cases, you will see a judge to request a Temporary Order of Protection within 24 hours of appearing at the Probation Office, exclusive of weekends and holidays.

- Show the judge your injuries and any other evidence. Bring any witness who can help confirm what happened. **You must convince the judge that you need protection NOW!**
- When leaving the court you should have a copy of your petition and the Temporary Order of Protection, if one is granted, and notice of your hearing:
A DEPUTY SHERIFF WILL SERVE THE RESPONDENT WITH A COPY OF THE PETITION AND ANY ORDER OF PROTECTION ISSUED, AND ENFORCE CERTAIN CONDITIONS AT THE TIME OF SERVICE (I.E. EXCLUSION, WEAPON SEIZURE, ETC.). Although it is not necessary, a recent photograph of the respondent may be helpful.
- The Family Court Temporary Order of Protection is effective from the time it is served. In order to receive a Permanent Order of Protection you must return on your hearing date.
- On the hearing date, both parties have an opportunity to explain the situation to the judge. Bring the evidence you had when you first requested protection, as well as any new evidence. Be prepared to answer the judge's questions. Any witnesses should be prepared to come to court if necessary. If you do not appear on the hearing date, your petition may be dismissed and you will lose your Temporary Order of Protection. The outcome of the hearing can be a Permanent Order of Protection, supervision of the abuser by the Department of Probation, counseling or dismissal of the petition.
- A Permanent Order of Protection can be effective for up to three years. Sometimes an abuser consents to a Permanent Order of Protection without admitting guilt.

VIOLATIONS OF FAMILY COURT ORDERS OF PROTECTION

The police must arrest if there is reasonable cause to believe that the Order of Protection has been violated.

If the abuser is arrested for violation of an Order of Protection, he or she will be brought to Criminal Court to be arraigned. You may also file for a violation of the Order of Protection in Family Court by going to the Intake Unit. If you elect to return to Family Court, you will be able to ask the judge for additional protection.

If you choose not to call the police to have the abuser arrested, you may still file a violation petition at the Probation Department Intake Office.

WHAT THE CRIMINAL COURT CAN DO

Cohalan Court Complex
400 Carleton Avenue
Central Islip, NY 11722

(Note: Residents of the Towns of Riverhead, Southampton, East Hampton, Southold and Shelter Island must use their own local Town or Village Court.)

the purpose of the criminal court is to prosecute and provide punishment if there is a conviction. The defendants are prosecuted by the State of New York (District Attorney) for crimes committed against you.

If you decide to press a criminal charge against the abuser, you can call the police if it is an emergency, or go to the local precinct in which the incident occurred. The police officer will prepare a Domestic Incident Report. When a criminal charge is taken by the police against an abuser, it will be necessary for you to sign a sworn statement or sign the actual criminal complaint. When you sign either the statement or complaint you will be swearing that the document is true. Therefore, be sure that the document is accurate before you sign it.

Whenever a police officer asks you to sign your name, make sure that you carefully read what you are signing.

After pressing a criminal charge against the abuser, you can contact the District Attorney at 853-4138 or go to the District Attorney's Domestic Violence Unit located on the Fifth Floor of the Cohalan Court Complex, 400 Carleton Avenue, Central Islip to discuss the charge and the procedure to apply for a Temporary Order of Protection.

- If your abuser was arrested and held in custody while awaiting arraignment, you should appear before the judge at the arraignment to request an Order of Protection. If you are unable to appear at the arraignment, call the Domestic Violence Unit of the District Attorney's office at 853-4138.

- If your abuser was not arrested, you can request a Temporary Order of Protection, after the criminal complaint has been filed. The District Attorney's office or domestic violence agencies can help you with this.
- If your abuser was not arrested, he or she will be served with a criminal summons. If the abuser fails to appear in court, a warrant may be issued for his/her arrest.
- An advocate from one of the agencies listed in the back of this guide can assist you when you go to court.
- A Temporary Order of Protection from Criminal Court is effective from the date it is served
- If the abuser is not present when the Temporary Order of Protection is issued, it will be served by the Suffolk County Sheriff's Department.
- A Temporary Order of Protection is valid until the case is concluded, or until the date indicated on the order.
- A criminal proceeding may be lengthy. Be prepared for several adjournments of your case.
- If the abuser is convicted, the judge can order a Permanent Order of Protection, counseling, conditional discharge, a fine, probation and/or jail. The judge can also order payment or restitution to compensate you for medical bills and other costs.

No criminal charges can be dropped unless the District Attorney's office and the judge agree to drop the charges. If the charges against the abuser are dropped, you will automatically lose your Criminal Court temporary Order of Protection.

The expiration date of the Permanent Order of Protection should appear on the front of the order. It is effective for one to five years, depending on the seriousness of the crime.

VIOLATIONS OF CRIMINAL COURT ORDERS OF PROTECTION

- The police must arrest if there is reasonable cause to believe that the Order of Protection has been violated.
- A violation of a criminal Court Order of Protection will be charged as criminal contempt.
- If a crime was committed while the Order of Protection was being violated, additional charges may be filed.

WHOM TO CALL FOR HELP

Hotlines

Police Department – Emergency..... 911

New York State Domestic Violence Hotlines.....1-800-942-6906

Espanol (9 a.m. – 5 p.m.).....1-800-942-6908

Hearing Impaired Access.....TTY/TDD

New York State Child Abuse and Neglect.....1-800-342-3720

VICTIMS SERVICES

Brighter Tomorrows:..... 395-1800

24-hour hotline, shelter, court advocacy, counseling, children's program, Transitional Housing Program and non-residential support group.

Long Island Women's Coalition: 24-Hour Hotlines..... 666-8833

Safe shelter for domestic violence victims and their children. Free and confidential
Support Group Counseling. Court/Police Advocacy for victims seeking information about their legal rights and options.

The Retreat.....329-2200

24-hour hotline; East End Shelter; adult/children's services to non-residents; counseling; batterer's program, Bilingual Services.

Victims Information Bureau of Suffolk (VIBS).....360-3606

Hotline (Voice/TDD), Counseling Advocacy, Court Accompaniment, Children's Program, Elder Abuser Program, Batter's Program, Bilingual Services.

GOVERNMENT AGENCIES

Family Court Probation Intake

Locations:

John P. Cohalan Court Complex
3rd Floor of the Criminal Justice Building
County Center
400 Carleton Avenue
Central Islip, NY 11772
853-5337

Arthur M. Cromarty Court Complex
Lower Level
County Center
300 County Center Drive
Riverhead, NY 11901
852-1939

Services Provided: File petitions for Orders of Protections, custody visitation and support.

Suffolk County Police Department

Domestic Violence Unit 852-6506

Services Provided: Liaison to the community.

Suffolk County Sheriff's Department

Domestic Violence Unit 853-7690

Services Provided: Orders of Protection served and enforced. Criminal contempt and family offense warrants executed.

District Attorney's Domestic Violence Unit 853-4138

Location: 5th Floor of the Criminal Justice Building
Cohalan Court Complex
400 Carleton Avenue
Central Islip, NY 11722

Services Provided: Prosecute criminal violations and misdemeanors, obtaining orders of protection for members of the same family, household, or social relationship.

District Attorney's Office

Family Crimes Bureau 852-2555

Location: Criminal Courts Building – Riverhead, NY

Services Provided: Prosecutes felony offenses.

District Attorney's Victim's Advocate

Riverhead – Criminal Courts Building 852-2555
Central Islip – Criminal Courts Building 853-4138
Southampton 852-8800

Services Provided: Provides court information, victim assistance, court accompaniment for offenses and assists in filing a claim with the Crime Victim's Compensation Board.

**Crime Victim's Compensation Board 518-457-8727
212-417-5160**

Services Provided: Provides financial assistance for crime victims.

Suffolk County Department of Social Services (SCDSS)

Commissioner's Hotline 854-9935

Emergency Assistance – After hours & Weekends 854-9100

Adult Protective Services – SCDSS 853-2236

Services Provided: Assists eligible adults without minor children who are at risk due to mental or physical impairments and have no one available to help.

Child Support Enforcement Bureau – SCDSS 853-2002

Location: 415 Oser Avenue, Hauppauge, NY

Please call before coming in.

Services Provided: Establish legal paternity, establish new support orders, collect and enforce child support.

Women's Services Unit Helpline

Hauppauge (415 Oser Avenue)

853-3750

Riverhead (County Center)

852-1603

Services Provided: Information, referral and peer counseling on questions of concern to women, including domestic violence.

Offices for the Aging

853-3610

Services Provided: Free Information and referral services on issues, including domestic violence.

Huntington Helpline

549-8700

Services Provided: 24-hour hotline serving Huntington Town residents.

OTHER AGENCIES

Response

752-7500

Services Provided: 24-hour hotline, counseling and referrals.

Nassau-Suffolk Law Services

232-2400

Location: 1757 Veterans Memorial Highway, Islandia

Services Provided: Legal assistance in civil matters for people with limited income. Legal assistance to commence or defend on matrimonial actions. Referrals for matrimonial made through domestic violence service providers.

Location: Cohalan Court Complex, Central Islip

Services Provided: In court assistance available upon request regarding Orders of Protection. No income guidelines.

Legal Aid Society

853-4343

Location: Cohalan Court Complex
400 Carleton Avenue
Central Islip, NY 11722\

Services Provided: Family Court representation for victims of family offense matters who have limited income.

Law Guardian

853-4336

Services Provided: Attorney representation for children for family offenses, abuse or neglect matters. No income criteria.

Elder Law

853-0401

Services Provided: Legal representation for the elderly.

La Union Hispanica in Suffolk, Inc. 243-4737

Location: 1140 Motor Parkway, Hauppauge, NY

Services Provided: Referral services, counseling, emergency food vouchers, oral translation, assistance with forms, advocacy, bilingual agency.

Family Counseling Service 288-1954

Services Provided: Individual, family, group therapy, family violence, victim and child abuse services.

Family Service League 427-1768

Services Provided: Counseling for people with family violence problems; emergency/crisis intervention; services for the elderly (will refer callers to VIBS.)

Federation Employment & Guidance Services

Locations: 22 Lawrence Avenue, Smithtown 724-6300
220 Main Street, Center Moriches 874-2700
45 West Suffolk Avenue, Central Islip 234-7087

Services Provided: Counseling to victims of domestic violence and survivors of sexual abuse and incest.

Focus 853-7917

Location: Cohalan Court Complex, Central Islip

Services Provided: Advocacy on child support. Information on paternity, visitation, custody, separation and divorce.

Call for days and hours.

GLOSSARY

Adjournment: Postponement of action in a court case.

Arrest: Detainment of a person who has allegedly committed a crime.

Assault: An intentional action which causes physical injury to another. There are **three** degrees of assault:

Assault 3rd: Intentionally or recklessly causing physical injury to another person. This is a misdemeanor.

Assault 2nd: Intentionally causing serious injury or causing physical injury by means of a deadly weapon or dangerous instrument. This is a felony.

Assault 1st: Causing serious physical injury by means of a deadly weapon or dangerous instrument, by intending to seriously or permanently

disfigure or by recklessly engaging in conduct which causes grave risks of death. This is a felony.

Bail: Money or bond deposited with the court to assure that the accused person comes back to court. If a person fails to appear after posting bail, a warrant for arrest may be issued.

Conviction: Decision by a judge or jury that a person is guilty of a crime. This can also occur when a plea is entered.

County Clerk: A public official who handles the records and paperwork for the court. Petitions and other legal papers are usually given to the court clerk to get the legal proceedings started.

Crime: An act prohibited by the penal code of the state which can result in imprisonment of more than fifteen days.

Criminal Complaint: A statement under oath given to a criminal court, accusing a person of having committed a crime.

Custody of Children: The legal right to keep and care for children.

Defendant: A person charged with committing a crime in District (Criminal) Court.

Defense Attorney: The lawyer who defends the person accused of a crime.

District Attorney (DA) or Assistant District Attorney (ADA): a lawyer employed by the County who prosecutes people who are accused of having committed crimes.

Felony: A crime for which imprisonment of more than one year may be imposed.

Harassment in the First Degree: Intentionally and repeatedly harassing another person by following in or about a public place(s) or by engaging in a course of conduct or by repeatedly committing acts which place such person in reasonable fear of physical injury (Stalking Law – Misdemeanor)

Harassment in the Second Degree: Intentionally hitting or subjecting another person to physical contact or threatening to do same.

Petitioner: A person who begins a proceeding in Family Court.

Probation Officer: A public official who assists petitioners in filing petitions in Family Court, gives counseling, and supervises a person sentenced to probation.

Reckless Endangerment: Recklessly engaging in conduct which creates a substantial risk of serious injury or death to another person.

Respondent: A person against whom a petition is filed in Family Court.

Subpoena: A court order summoning a person to court to testify as a witness.

FOR FAMILY COURT ONLY
PETITION FILING OFFICES BY COMMUNITY

John P. Cohalan
Court Complex
400 Carleton Avenue
P.O. Box 9082
Central Islip, NY 11722
631-853-5337

Arthur M. Cromarty
Court Complex
300 County Center Drive
County Center
Riverhead, NY 11901
631-852-1939

CI – Central Islip

R- Riverhead

Amagansett – R
Aqueboque – R
Amityville – CI
Asharoken - CI

Babylon – CI
Bay Shore – CI
Blue Point – CI
Brentwood – CI
Brightwaters – CI
Bayport – CI
Bellport – R
Bohemia – CI
Bridgehampton – R
Brookhaven - R

Calverton – R
Center Moriches – R
Central Islip – CI
Commack – CI
Coram – CI
Centereach – CI
Centerport – CI
Cold Spring Harbor – CI
Copiague – CI

Cutchogue – R

Davis Park – CI

Dix Hills – CI

Deer Park – CI

East Hampton – R

East Marion – R

East Northport – CI

East Quogue – R

Eaton's Neck – CI

East Islip – CI

East Moriches – R

Eastport – R

East Setauket – CI

Fair Harbor – CI

Farmingville – CI

Farmingdale – CI

Fishers Island – R

Great River – CI

Greenport – R

Greenlawn – CI

Hampton Bays – R

Head of the Harbor – CI

Holtsville – CI

Huntington Station – CI

Hauppauge – CI

Holbrook – CI

Huntington – CI

Islip – CI

Islip Terrace – CI

Jamesport – R

Kings Park – CI

Lake Grove – CI

Laurel – R

Lake Ronkonkoma – CI

Lindenhurst – CI

Mastic/Mastic Beach – R

Miller Place – R

Ocean Beach – CI

Orient – R

Patchogue – CI

Point O’Woods – CI

Port Jefferson – CI

Port Jefferson Station – CI

Peconic – R

Quogue – R

Remsenburg – R

Riverhead – R

Ronkonkoma – CI

Ridge – R

Rocky Point – R

Sagaponack – R

Saint James – CI

Sayville – CI

Setauket – CI

Shelter Island – R

Shelter Island Heights – R

Shirley – R

Smithtown – CI

Southampton – R

Southold – R

Stony Brook – CI

Sag Harbor – R

Saltaire – CI

Selden – CI

Shinnecock Hills – R

Shoreham – R

Sound Beach – R

South Jamesport – R

Speonk – R

Upton – R

Wading River – R

Water Mill – R

West Islip – CI

Westhampton Beach – R

Wyandanch – CI

Wainscott – R

Westhampton – R
West Sayville – CI
Wheatley Heights – CI

Yaphank - R

EAST END JUSTICE COURTS

Town of East Hampton	324-4134
Town of Riverhead	727-3200
Shelter Island	749-8989
Town of Southampton	283-6000
Southold	768-1852

SUFFOLK COUNTY VILLAGE JUSTICES

Amityville	264-6000
Asharoken	261-8677
Babylon	669-1500
Belle Terre	928-0018
Bellport	286-0327
Brightwaters	665-1280
East Hampton	324-4134
Greenport	765-1852
Head of the Harbor	584-2034
Huntington Bay	427-2843
Islandia	348-0470
Lake Grove	585-2000
Lindenhurst	957-7500
Lloyd Harbor	549-8220
Nissequoque	862-7400
Northport	757-0935
Ocean Beach	583-0104
Old Field	941-9412
Poquott	474-0344
Port Jefferson	473-4724
Patchogue	475-4300
Quogue	653-4498
Sag Harbor	324-4134
Saltaire	583-5566
Shoreham	821-0680
Southampton	283-6017
Village of the Branch	724-1050
Westhampton Beach	288-1654
Westhampton Dunes	288-3980

NEW YORK STATE DOMESTIC VIOLENCE HOTLINE 1-800-942-6906